



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 31st August, 2018.

SRO-364.—Whereas, on 01-12-2011, Police Station, Ram Munshi Bagh, Srinagar received an information through reliable sources that one self styled Operational Commander of Hizbul Mujahideen (HM) outfit, namely Mohammad Shafi Shah @ doctor @ Shabir @ Nisar @ Dawood @ Javed S/o Ab. Gani Shah R/o Papchan Bandipora, who was involved in militancy related activities since long, is roaming in Buchwara area of Srinagar alongwith illegal arms/ammunition to cause an eventuality in the area. The motive of said militant was to separate J&K State from the Union of India and pose threat to the integrity of Nation etc. ; and

2. Whereas, in this connection, a Case FIR No. 208/11 under section 7/25 Arms Act, 121, 121-A RPC and 18, 20 of the Unlawful Activities (Prevention) Act, 1967 came to be registered in Police Station, Ram Munshi Bagh ; and

3. Whereas, during the course of investigation, the accused Mohammad Shafi Shah @ doctor @ Shabir @ Nisar @ Dawood @ Javed was arrested on the same day from Buchwara, Dalgate, Srinagar. One pistol with magazine having 07 rounds, 01 satellite Thuraya phone set having double sim and some other objectionable material were recovered from his possession. During interrogation, he disclosed that he is a PoK trained militant and also confessed his involvement in various militancy related incidents carried out across Kashmir Valley ; and

4. Whereas, on the disclosure statement of the said accused person, huge quantity of arms/ammunition were recovered and necessary seizure memo and recovery memo were prepared. Further, on his disclosure, the accused persons namely Mohammad Iqbal Makhadoomi S/o Mohammad Sultan R/o Tujjar Sharief, Sopore and Imtiyaz Ahmad Dar S/o Gh. Mohi-ud-Din R/o Danger Mohalla Hajan, Sumbal, Sonawari, who were found to be close associates of the accused No. 01, were arrested. Both of them confessed to their involvement in several militant related activities in the valley ; and

5. Whereas, during the course of investigation, the seized Thuraya phone alongwith two Sim Cards were sent to CFSL, Chandigarh for examination and expert opinion was also obtained which confirmed the communication of accused No. 1 with the PoK based HM commanders. In view of these circumstances offences under section 121, 121-A RPC, 18, 20 ULA (P) Act were established against accused Nos. 2 and 3 ; and

6. Whereas, on the basis of investigation conducted and evidence collected, *prima facie*, a case under section 7/25 IA. Act, 121, 121-A RPC, 18, 20 ULA (P) Act, 1967 has been made out against the accused No. 01 and under section 121, 121-A RPC, 18, 20 ULA (P) Act, 1967 against the accused Nos. 2 and 3 and investigation in this regard has been closed as challan ; and

7. Whereas, the Authority appointed by the State Government under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, has independently scrutinized the Case Diary file and all the other relevant documents relating to the case and has come to a definite conclusion that this is a fit case for accord of prosecution sanction against the said three accused persons for the commission of offences punishable under sections 18 & 20 of the Unlawful Activities (Prevention) Act, 1967 ; and

8. Whereas, after perusing the Case Diary, the relevant documents and also taking into consideration the observations/views of the Authority appointed under sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government is of the view that there is sufficient material and evidence available against the accused persons for their prosecution under the aforesaid provision of law.

9. Now, therefore, in exercise of powers conferred by sub-section (2) of section 45 of the Unlawful Activities (Prevention) Act, 1967, the State Government hereby accords sanction for launching prosecution against the accused persons mentioned below for the commission of offences punishable under sections 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 arising out of FIR No. 208/11 of Police Station, Ram Munshi Bagh, Srinagar :—

1. Mohammad Shafi Shah @ doctor @ Shabir @ Nisar @ Dawood @ Javed S/o Ab. Gani Shah R/o Papchan Bandipora.
2. Mohammad Iqbal Makhdoomi S/o Mohammad Sultan R/o Tujjar Sharief, Sopore ; and
3. Imtiyaz Ahmad Dar S/o Gh. Mohi-ud-Din R/o Danger Mohalla Hajin, Sumbal, Sonawari.

By order of the Government of Jammu and Kashmir.

(Sd.)

Principal Secretary to Government,
Home Department.